

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ERIC T. ALLEN, SR. : CIVIL ACTION
: :
v. : :
: :
PASSAIC COUNTY JAIL, ET AL. : NO. 09-0408

ORDER

AND NOW, this 4th day of December 2009, after consideration of defendant Passaic County Jail's motion to dismiss plaintiff Eric T. Allen's complaint and his response thereto, it is hereby ORDERED in accordance with the accompanying memorandum that:

(1) All claims against defendant Philadelphia Prison Systems are DISMISSED; within fourteen (14) days from the date of this Order, plaintiff may amend his complaint to name the City of Philadelphia;

(2) Defendant's motion to dismiss all remaining claims against defendants Passaic County Jail and Giorla is GRANTED in part and DENIED in part. The motion to dismiss/for judgment on the pleadings on plaintiff's First Amendment claims is DENIED. It is further ORDERED that portion of the motion pertaining to plaintiff's Eighth and Fourteenth Amendment claims is GRANTED and those claims of plaintiff claims are DISMISSED.

/s/ Thomas N. O'Neill, Jr.
THOMAS N. O'NEILL, JR., J.